

Notice of Allowability

Application No.

10/676,318

Applicant(s)

SALVADORI ET AL.

Examiner

Art Unit

Ella Colbert

3694

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 25 July 2007.
2. ☒ The allowed claim(s) is/are 1-23 and 39.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date See Continuation Sheet
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

Continuation of Attachment(s) 3. Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date: 12/10/03, 3/25/05,6/07/06 .

DETAILED ACTION

1. Claims 1-23 and 39 are pending in the communication filed 2/12/07 entered as Request for Appeal Conference.
2. The Appeal Conference Decision was entered 7/25/07 and mailed 7/26/07. The decision was to reopen prosecution.
3. The 35 USC 112, second paragraph rejection for claim 1 is hereby withdrawn in view of Applicants' convincing arguments.
4. The IDS's filed 12/10/03, 03/25/05 and 6/08/06 have been considered and attached to this Office Action.
5. An Examiner's Amendment appears here below. Authorization for this Examiner's Amendment was given in an e-mail September 28, 2007 by Mr. Charles (Chuck) Miller.
6. (Currently Amended) A computer-implemented method of processing derivative product orders at an exchange, the method comprising:
 - (a) receiving derivative product order risk data including at least one threshold value corresponding to at least one order risk parameter;
 - (b) receiving from a trader an order for a derivative product;
 - (c) utilizing the derivative product order and a trader's current order risk utilization state to calculate utilization data at a computing device; and
 - (d) processing the derivative product order in a manner that is a function of the derivative product order risk data and the utilization data.

Allowable Subject Matter

7. Claims 1-23 and 39 are allowed.

The following is an examiner's statement of reasons for allowance: Stanley Kucemba, Brian Petrak, and Comerica Bank teach foreign exchange risk management but failed to teach utilizing the derivative product order and a trader's current order risk utilization state to calculate utilization data and process the derivative product order in a manner that is a function of the derivative product order risk data and the utilization data, determining a trader's current order risk parameter utilization value and executing the derivative product order when the trader's current order risk parameter utilization value does not exceed the threshold value in combination with the other claim limitations of claims 1 and 39.

The dependent claims 2-23 being further limiting to the independent claims, definite and fully enabled by the Specification are also allowable.

It appears that the instant invention is beyond the skill of one of ordinary skill in the art. Accordingly the invention would NOT have been obvious because one of ordinary skill could not have been expected to achieve it, NOR would they have been able to predict the results, and as such, they would have had no capability of expecting success.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

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Inquiries

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ella Colbert whose telephone number is 571-272-6741. The examiner can normally be reached on Monday, Wednesday, and Thursday, 5:30AM-3:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on 571-272-6712. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

September 30, 2007


ELLA COLBERT
PRIMARY EXAMINER